

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

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NICOLE P. ERAMO,

Plaintiff,

- against -

ROLLING STONE LLC, SABRINA RUBIN
ERDELY, AND WENNER MEDIA LLC,

Defendants.
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Case No. 3:15-cv-00023-GEC

**DECLARATION OF ELIZABETH
A. MCNAMARA IN SUPPORT OF
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

I, Elizabeth A. McNamara, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a partner at the law firm of Davis Wright Tremaine LLP, counsel for Defendants Rolling Stone LLC, Wenner Media LLC (collectively, "Rolling Stone"), and Sabrina Rubin Erdely ("Erdely") in the above-captioned proceedings.

2. I make this declaration in order to provide background information and attach certain exhibits relied on in support of Defendants' Motion for Summary Judgment.

Deposition Testimony

3. Attached as **Exhibit 83** are relevant excerpts of the May 4, 2016 deposition of Plaintiff Nicole Eramo. Plaintiff made no confidentiality designations for this deposition within thirty days of receiving the final transcript. Accordingly, under Paragraph 5.2(b) of the Amended Protective Order, these excerpts are no longer deemed Confidential.

4. Attached as **Exhibit 84** are relevant excerpts of the April 26 & 27, 2016 deposition of Allen W. Groves, in his personal capacity and as a Rule 30(b)(6) designee for UVA on certain topics. Defendants are filing these excerpts under seal pursuant to the Amended

Protective Order pending further review by the University of Virginia (“UVA”), and Defendants and UVA may at a later time jointly request that the Court unseal some portion of this material.

5. Attached as **Exhibit 85** are relevant excerpts of the April 27 & 28, 2016 deposition of Susan Davis, in her personal capacity and as a Rule 30(b)(6) designee for UVA on certain topics. Under Paragraph 7.5 of the Amended Protective Order, Defendants have obtained permission from UVA to publicly file these excerpts with agreed-upon redactions.

6. Attached as **Exhibit 86** are relevant excerpts of April 28, 2016 deposition of Patricia Lampkin, in her personal capacity and as a Rule 30(b)(6) designee for UVA on certain topics. Under Paragraph 7.5 of the Amended Protective Order, Defendants have obtained written permission from UVA to publicly file these excerpts.

7. Attached as **Exhibit 87** are relevant excerpts of the March 24, 2016 deposition of Alexandria Pinkleton. To the extent any information has been designated confidential under the Amended Protective Order, it has been redacted in the transcript.

8. Attached as **Exhibit 88** are relevant excerpts of the March 23, 2016 deposition of Sara Surface. To the extent any information has been designated confidential under the Amended Protective Order, it has been redacted in the transcript.

9. Attached as **Exhibit 89** are relevant excerpts of the March 18, 2016 deposition of Emily Renda.

10. Attached as **Exhibit 90** are relevant excerpts of the April 15, 2016 deposition of Ryan Duffin.

11. Attached as **Exhibit 91** are relevant excerpts of the April 14, 2016 deposition of Kathryn Hendley.

12. Attached as **Exhibit 92** are relevant excerpts of the April 7, 2016 deposition of [REDACTED]. These excerpts are being filed under seal pursuant to the Amended Protective Order.

13. Attached as **Exhibit 93** are relevant excerpts of the May 13, 2016 deposition of John Ritter.

Documents and Other Materials

14. Attached as **Exhibit 94** is a true and correct copy of Plaintiff's resume. Under Paragraph 5 of the Amended Protective Order, Defendants have obtained written permission from UVA to publicly file this document.

15. Attached as **Exhibit 95** is a true and correct copy of Plaintiff's 2010-2011 Office of the Dean of Students Annual Report with a cover email. This document is being filed under seal under the Amended Protective Order.

16. Attached as **Exhibit 96** is a true and correct copy of a copy of Plaintiff's 2014-2015 Office of the Dean of Students Annual Report. This document is being filed under seal under the Amended Protective Order.

17. Attached as **Exhibit 97** is a true and correct copy of a document in which Plaintiff provides written answers to interview questions regarding her work as Chair of the Sexual Misconduct Board and Associate Dean. Under Paragraph 7.5 of the Amended Protective Order, Defendants have obtained written permission from UVA to publicly file this document.

18. Attached as **Exhibit 98** is a true and correct copy of a September 15, 2014 email from Carol Wood of the University of Virginia to Catherine Valentine, a WUVA reporter, about who to interview about sexual assault issues at UVA. Under Paragraph 7.5 of the Amended

Protective Order, Defendants have obtained written permission from Sara Surface to publicly file this document.

19. Attached as **Exhibit 99** is a true and correct copy of a Plaintiff's Responses and Objections to Defendants' First Set of Interrogatories to Plaintiff Nicole P. Eramo. Under Paragraph 7.5 of the Amended Protective Order, Defendants have obtained written permission from Plaintiff to publicly file this document.

20. Attached as **Exhibit 100** is a true and correct copy of an October 27, 2014 email from Molly Mintum to Plaintiff regarding Ms. Mintum's article about sexual assault at UVA. Under Paragraph 7.5 of the Amended Protective Order, Defendants have obtained written permission from UVA to publicly file this document.

21. Attached as **Exhibit 101** is a true and correct copy of an August 19, 2014 email between Plaintiff and an unidentified UVA student regarding a story on sexual assault at UVA. Under Paragraph 7.5 of the Amended Protective Order, Defendants have obtained written permission from UVA to publicly file this document.

22. Attached as **Exhibit 102** is a true and correct copy of an electronic calendar entry and related email exchange pertaining to an interview of Plaintiff for a story on sexual assault at UVA. Under Paragraph 7.5 of the Amended Protective Order, Defendants have obtained written permission from UVA to publicly file this document.

23. Attached as **Exhibit 103** is a true and correct copy of a video publicly available on YouTube at <https://www.youtube.com/watch?v=g-yJGs5jeQ>, in which Plaintiff was interviewed by a WUVA journalist about sexual assault and disciplinary issues at UVA.

24. Attached as **Exhibit 104** is a true and correct copy of a June 20, 2014 email exchange between Plaintiff and Emily Renda.

25. Attached as **Exhibit 105** is a true and correct copy of a July 9, 2014 email from Emily Renda to Sabrina Rubin Erdely, with identifying information pertaining to sexual assault victims redacted.

26. Attached as **Exhibit 106** is a true and correct copy of a spreadsheet showing text message exchanges between Alex Pinkleton and Jackie, redacted per agreement with designating party under the Amended Protective Order.

27. Attached as **Exhibit 107** is a true and correct copy of a timeline and report created by Pepper Hamilton LLP for UVA. This document is being filed under seal under the Amended Protective Order.

28. Attached as **Exhibit 108** is a true and correct copy of a compendium of exhibits for the timeline and report created by Pepper Hamilton LLP for UVA. This document is being filed under seal under the Amended Protective Order.

29. Attached as **Exhibit 109** is a true and correct copy of an email from Plaintiff to Emily Renda, with identifying information pertaining to a sexual assault victim redacted.

30. Attached as **Exhibit 110** is a true and correct copy of an internal memorandum that Plaintiff prepared in May 2014 about her interactions with Jackie. This document is being filed under seal under the Amended Protective Order.

31. Attached as **Exhibit 111** is a true and correct copy of a May 13, 2014 email between Jackie and Plaintiff. This document is being filed under seal under the Amended Protective Order.

32. Attached as **Exhibit 112** is a true and correct copy of a December 18, 2014 email from Susan Davis of UVA to Plaintiff, attaching a UVA response to an information request by

the Department of Education, Office for Civil Rights in 2011. This document is being filed under seal under the Amended Protective Order.

33. Attached as **Exhibit 113** is a true and correct copy of a September 10, 2014 email from Charles McGregor McCance of UVA to Anthony Paul de Bruyn of UVA, redacted per agreement with the designating party under the Amended Protective Order.

34. Attached as **Exhibit 114** is a true and correct copy of a text messages between Jackie and Rachel Soltis. This document is being filed under seal under the Amended Protective Order.

35. Attached as **Exhibit 115** is a true and correct copy of a publicly available press release issued by the Charlottesville Police Department on March 23, 2015.

36. Attached as **Exhibit 116** is a true and correct copy of an article by Kristen Lombardi, titled "Sexual assault on campus shrouded in secrecy," which was printed out from the website of the Center for Public Integrity.

37. Attached as **Exhibit 117** is a true and correct copy of a September 9, 2014 email from Susan Davis to Charles McGregor McCance, copying Plaintiff and others, regarding Erdely's reporting on sexual assault at UVA. Under Paragraph 7.5 of the Amended Protective Order, Defendants have obtained written permission from UVA to publicly file this document.

38. Attached as **Exhibit 118** is a true and correct copy of the unpublished decision in *Goodwyn v. Virginian-Pilot Media Cos.*, CL11-815 (Portsmouth Circuit Court 2012).

39. Attached as **Exhibit 119** is a true and correct copy of an unpublished order and transcript in *Webb v. Hansen*, CL10-2933 (Chesapeake Circuit Court 2012) (transcript).

This Declaration was executed on July 1 __, 2016 in New York, New York. I declare under penalty of perjury under the laws of the United States of America and the State of New York that the foregoing is true and correct.


ELIZABETH A. MCNAMARA

CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2016, the foregoing was served by CM/ECF on counsel of record for all parties to this action. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Elizabeth A. McNamara
Elizabeth A. McNamara